

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA ,	:	CRIMINAL ACTION NO.
Plaintiff,	:	1:05-CR-0250-WSD-JFK-2
	:	
v.	:	
	:	
GABRIEL SANTANA CRUZ,	:	
Defendant.	:	

**MAGISTRATE JUDGE’S
FINAL REPORT AND RECOMMENDATION**

This matter is before the Court on Gabriel Santana Cruz’s Motion to Terminate All Collateral Attacks on Conviction. (Doc. No. 262). Cruz previously filed a 28 U.S.C. § 2255 motion and a Petition for a Writ of Error Audita Querela attacking his conviction and sentence in this Court, and the motion and petition have been denied or dismissed. (See Doc. Nos. 246, 252, 260, 261). Cruz now seeks to terminate all collateral attacks on his conviction. (Doc. No. 262). Cruz’s current motion is moot because he has no collateral attacks pending in this Court.¹

¹Because this finding is dispositive as to the existence and disposition of any pending collateral attack, the undersigned submits a recommendation to the Court. See 28 U.S.C. § 636(b)(1)(B).

Accordingly,

IT IS RECOMMENDED that the Motion to Terminate All Collateral Attacks on Conviction, (Doc. No. 262), be **DENIED** as moot.

The Clerk is **DIRECTED** to terminate the referral to the undersigned Magistrate Judge.

IT SO RECOMMENDED and DIRECTED this 6th day of June, 2011.



JANET F. KING
UNITED STATES MAGISTRATE JUDGE